




Amended Complaint, within 30 days. [Doc. 14]. He was cautioned that “[p]iecemeal amendment will not be permitted.” [Id. at 2]. He was further cautioned that, “[s]hould the Plaintiff fail to comply with this Order, this case will be dismissed and closed without further notice to the Plaintiff.” [Id.].

The Plaintiff has now filed a Second Amended Complaint in which he attempts to incorporate portions of the original Complaint by reference. [See Doc. 15 at 1-2, 5]. The Plaintiff has failed to comply with the Court’s April 17 Order in which he was instructed to file a superseding Second Amended Complaint and to refrain from amending in a piecemeal fashion. Accordingly, this action is dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: June 26, 2024

  
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Martin Reidinger  
Chief United States District Judge

